

APPEAL NO. 041591
FILED AUGUST 23, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 16, 2004. The hearing officer resolved the disputed issue by deciding that the compensable injury of _____, extends to and includes chronic pain disorder and depression. The appellant (carrier) appealed, disputing the extent-of-injury determination. Respondent 1 (subclaimant) responded, urging affirmance of the decision and order. The appeal file did not contain a response from respondent 2 (claimant).

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. The hearing officer determined that the compensable injury extends to and includes chronic pain disorder and depression. The Appeals Panel observed in Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996, that the fact that there may be more than one cause of the claimant's psychological condition does not preclude a finding of compensability, provided that there is a casual connection between the compensable injury and the claimant's psychological problems. *Compare* Texas Workers' Compensation Commission Appeal No. 950749 decided June 21, 1995 (protracted dispute resolution process does not make resultant stress part of the compensable injury). The casual connection here is met by the fact that the injury resulted in chronic pain and loss of function. The hearing officer noted that the records support that the claimant did develop depression due to problems such as pain and popping in his hand and that the records show a progressive decline in the claimant's physical and psychological conditions.

Extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the issue of whether the compensable injury included depression and chronic pain disorder. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the determination that the compensable injury includes chronic pain disorder and depression is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **GREAT AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge